IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 4TH JUNE 2007 / 14TH JYAISHTA 1929

WP(C).No. 13625 of 2006(V)

AGAINST THE ORDER DATED 30-11-2005 IN EP 216/2000 IN OS.454/1986 of II ADDL.SUB COURT,THRISSUR

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PETITIONER:

M/S. VIJAYA KURIES AND LOANS PVT. LTD.,
THRISSUR, REP. BY ITS CHAIRMAN SRI. C.V.MATHEW,
AGED 69, S/O. VAREETH, CHETTUPUZHAKKARAN HOUSE,
OLLUR VILLAGE, THRISSUR TALUK.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENTS:

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1. THE COCHIN KURIES LTD.,
THRISSUR.

2. KUNHILA JACOB, W/O. ELUVITHINGAL
CHAKKU @ JACOB, CHOVOOR P.O.,
THRISSUR.

3. FRANCIS, S/O. KUNHILA JACOB,
ELUVITHINGAL HOUSE, CHOVOOR P.O.,
THRISSUR.

4. VINCENT, S/O. KUNHILA JACOB,
ELUVITHINGAL HOUSE, CHOVOOR P.O.,
THRISSUR.

BY ADV. SRI.G.SHRIKUMAR
SRI.SREEJITH S.NAIR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) No. 13625 of 2006 APPENDIX

PETITIONER'S EXHIBITS

Ext.P1: True copy of the sale Certificate issued to the petitioner dated 23-12-1998

Ext.P2: True copy of the E.A No. 231 of 2002 in E.P No.216/2000 in O.S. No. 454 of 1986 on the file of the Second Additional Sub Court, Thrissur dated 6-2-2002

Ext.P3: True copy of the order passed in E.A. No. 200/2003 in E.A. No. 231 of 2002 in E.P. No. 216/2000 in O.S. No. 454 of 1986 on the file of the Second Additional Sub -Court, Thrissur dated 30-11-2005

//True copy/

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M.N.KRISHNAN, J.

WP(C)No.13625 OF 2006 V

Dated this the 4th June, 2007.

JUDGMENT

This writ petition is filed to quash Ext.P3 order passed in E.P.216/00. A third party has moved an application for amending the survey number in the claim petition filed by it from 212 to 188. The court found that no documents are produced and therefore did not entertain the application. Now, learned counsel for the revision petitioner has brought to my notice Ext.P1 issued by the court. He refers to item 2 in the schedule where I find that survey No:188/1 is also there. It is submitted by the learned counsel that this document was not produced before the executing court at the time of hearing of the amendment application and therefore an opportunity should be given to him to produce this document and a chance to rehear the amendment application.

2. Considering the request made by the learned counsel and on perusal of a copy of Ext.P1 which is produced before me, I am inclined to grant an opportunity to the writ petitioner herein to produce the said document and re-agitate the amendment application. Therefore, the order under challenge is set aside and the executing court is directed to consider afresh the amendment application after

affording an opportunity to the writ petitioner to produce document in support of his contention. It is also made clear that the respondents shall also be heard and given an opportunity to put forward their contentions which they want to raise. Writ petition is disposed of accordingly.

3. Since it is submitted that the very same property is coming up for sale in another matter, there shall be a stay of the said sale till the disposal of the amendment application by the executing court.

M.N.KRISHNAN
Judge

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